

IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.34479 of 2008
VIJAY MAHTO @ BIJAY MAHTO
Versus
STATE OF BIHAR

03/ 17-09-2008

Heard learned counsel for the petitioner and learned counsel for the State.

The petitioner is an accused in a case under Section 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act

It appears that the petitioner's prayer for bail was earlier rejected by this Court on 6.5.2008.

Learned counsel submitted that trial of the petitioner is continuing and out of eleven (11) charge sheet witnesses, seven (7) have been examined. Six witnesses have been declared hostile and the last witness i.e. the informant is not an eye-witness of this case. He submitted that now only the official witnesses are left to be examined. In support of his contention the learned counsel referred to the supplementary affidavit filed today. He again submitted that this is a case of accidental firing. Learned counsel pointed out that the petitioner is in custody since 27.9.2007 and now no useful purpose would be served by keeping him behind the bar.

Considering the aforesaid facts and circumstances, petitioner **Vijay Mahto @ Bijay Mahto** is directed to be released on bail on furnishing bail bond of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of **A.D.J., F.T.C.-1, Aurangabad** in connection with **Madanpur P.S. Case No. 44 of 2007** corresponding to **Sessions Trial No. 77 of 2008**.

S.Sb/-

(Madhavendra Saran, J.)